

MARGARET E. MABIE [5760731]  
[margaretmabie@marsh.law](mailto:margaretmabie@marsh.law)  
JAMES R. MARSH [250763]  
[jamesmarsh@marsh.law](mailto:jamesmarsh@marsh.law)  
**MARSH LAW FIRM PLLC**  
31 HUDSON YARDS, 11TH FLOOR  
NEW YORK, NEW YORK 10001  
TELEPHONE: (212) 372-3030

*Attorneys for the Plaintiffs*

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

“JENNY,” “CARRIE,” “LILY,” “SARAH,”  
“HENLEY,” “MAUREEN,” and “JANE  
ROE” as next friend for “PIA,”

Plaintiffs,

v.

THOMAS BLAHA,

Defendant.

Case No: 2:23-cv-07051-JMA-ST

**DECLARATION OF MARGARET E.  
MABIE IN SUPPORT OF PLAINTIFFS’  
MOTION FOR DEFAULT JUDGMENT,  
ATTORNEY FEES AND COSTS  
PURSUANT TO FED. R. CIV. PROC. 55  
(b)(2)**

MARGARET E. MABIE declares under penalty of perjury of laws of the United States of America that the following is true and correct to the best of her knowledge and belief:

1. I am lead counsel for the Plaintiffs. I make this declaration based upon my own personal knowledge and professional experience, in support of Plaintiffs’ Motion for Default Judgment, Attorney Fees and Costs Pursuant to Fed. R. Civ. P. 55(B)(2).

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### **My Qualifications**

2. I am a partner at The Marsh Law Firm PLLC, a law firm that exclusively represents survivors of sexual assault, child pornography or child sexual abuse material (“CSAM”), child exploitation, and child trafficking.

3. I have practiced law since 2020. I am licensed to practice law in New York, am in good standing with the state bar and have been throughout the term of my membership.

4. Since 2019, I began working for attorney James Marsh of The Marsh Law Firm on child pornography cases. In 2022, I became partner at the firm. I have devoted my practice exclusively to representing survivors of child sex abuse, including child pornography production, trade, and possession. Prosecuting 18 U.S.C. §2255 cases has been a routine part of my practice. I represent child sex abuse survivors in courts around the country.

### **Plaintiff Law Firms Coordinated Efforts to Ensure Efficiencies**

5. Three different law firms have worked on this litigation. Together they represent the seven (7) Plaintiffs. The Marsh Law Firm has the primary client relationship with Plaintiffs “Jenny,” and “Carrie”; Carol L. Hepburn, P.S. with Plaintiffs “Lily,” and “Sarah,”; and Deborah A. Bianco, P.S. with Plaintiffs “Henley,” “Maureen,” and “Pia”.

6. Because all Plaintiffs shared a common perpetrator, they filed this action jointly and coordinated the representation to streamline the litigation and obtain efficiencies for all involved -- Plaintiffs, Defendant and the Court.

7. Consequently, this fee application seeks fees for time charged and expenses incurred by all three law firms. Plaintiffs request that the award of fees and costs be divided among the seven (7) Plaintiffs equally.

### **Progress of the Litigation and Tasks Performed**

8. The following tasks were performed by the law firms involved in this action.

9. On or about October 27, 2021, the United States Department of Justice Victim Notification System sent notification to The Marsh Law Firm PLLC, Carol L. Hepburn, P.S., and Deborah A. Bianco, P.S. that Defendant was found in possession of their respective clients' pornographic images.

10. Defendant was then prosecuted by the Eastern District of New York United States Attorney for sexual exploitation of a child. Defendant pleaded guilty.

11. The Firms reviewed the criminal docket and conducted research on Defendant.

12. Pursuant to 18 U.S.C. §3509(m)(3), attorney Margaret E. Mabie made a request to the Government to review the evidence concerning the Plaintiffs' images possessed by Defendant. Attorney Mabie worked with the case agent for the underlying criminal case, and an investigator from ROK Investigative Group Inc., to prepare for an evidence review. The purpose of the review was to confirm that the images are of Plaintiffs and qualify as child pornography under applicable law.

13. Attorney Mabie and the ROK Investigator worked with the agent to identify the victims represented by all firms prior to the evidence review. On December 2, 2022, Attorney Mabie and the ROK Investigator reviewed the images and determined that they were of Plaintiffs and constituted child pornography.

14. Upon the plea of Defendant in the criminal case charging him with sexual exploitation of a child, and confirmation from the evidence review that the images were of our clients and depicted child sexual abuse, the firms together drafted the summons and complaint, filed on September 21, 2023, as well as a motion to proceed by pseudonym and three supporting declarations, filed on

September 22, 2023, and amended on October 27, 2023. (ECF Nos. 1, 6 and 10). The pseudonym motion required research into the law of the Second Circuit and this Court. On December 21, 2023, the Court granted the pseudonym motion. (ECF No. 14).

15. After Defendant failed timely to respond to the summons and complaint, as well as Plaintiffs pseudonym motion which the Court ordered Defendant to respond by December 6, 2023, the firms prepared and filed papers seeking the entry of default. (ECF Nos. 11 and 15). On January 24, 2024, the clerk entered a certificate of default. (ECF No. 16).

16. The firms then drafted papers in support of the instant motion for default judgment at a sum certain of \$1,050,000 plus attorneys' fees and costs.

#### **Total Hours for Which Compensation Is Sought**

17. The hours for which a fee award is sought total 61 hours, with hours charged by each timekeeper and the tasks performed shown in the accompanying spread sheet, attached hereto as **Exhibit A**. I have reviewed those hours and have, in good faith, excluded any that I believe were excessive, redundant, or otherwise unnecessary.

18. I believe that the hours for which a fee award is being sought are reasonable given the tasks performed and the number of clients represented.

#### **Normal Hourly Rates**

19. Below I list the attorneys and paraprofessionals for whom a fee award is sought, along with a brief description of their experience and their normal hourly rates in the communities in which they practice for work on child pornography and child sex abuse cases:

- a. I, Margaret E. Mabie, serve as a partner with The Marsh Law Firm and began working with many of the Plaintiffs in this case in 2019. I have practiced law since 2020 and am licensed in the state of New York, where I am in good standing. My practice has

focused on representing survivors of child sex abuse, including child pornography survivors who seek compensation and other relief in federal criminal and civil proceedings. I lobbied on behalf of the Plaintiffs and other clients to amend the statute of limitations on 18 U.S.C. 2255 in 2022. I have represented each of the Plaintiffs in this action in prior matter and represent some of them in criminal restitution matters and specialized civil proceedings on a regular basis. I am the only attorney in our firm aside from my founding Partner James R. Marsh with sufficient information as to the Plaintiffs identity to complete the evidence review. I was invited and attended the United Nations Office of Drugs and Crime Expert Group Meeting on CSAM removal in 2023. I have also appeared in numerous courts around the country, including but not limited to New York, Florida, Michigan, and California. My normal hourly fee for these types of cases in New York City is approximately \$600.

- b. Carol L. Hepburn is the founder of Carol L. Hepburn, P.S. Attorneys at Law. Ms. Hepburn has been licensed to practice law in the State of Washington since 1978 and in the State of Oregon since 2003. She is, and has been, in good standing in both states throughout that time. Ms. Hepburn began her practice in 1978 as a deputy prosecuting attorney for King County in Seattle, Washington. At that time, among other matters, she prosecuted sexual assault crimes. Since leaving the prosecutor's office in 1982, her practice has included criminal defense of sexual assault crimes, family law cases involving alleged child sex abuse, serious personal injury and medical negligence matters including brain injury and birth injury, civil sexual harassment matters both for plaintiffs and defendants, investigating sexual harassment allegations for employers, and civil sexual assault tort cases, as well as child sex abuse image crime related

litigation on behalf of survivors of those crimes. Since 2008, Ms. Hepburn has represented survivors of child sex assault image exploitation crimes in both criminal restitution and civil matters. Ms. Hepburn's normal hourly fee for these types of cases is \$500.

c. Deborah A. Bianco is founder of Deborah A. Bianco P.S. Ms. Bianco is an attorney licensed to practice law in the states of Illinois (since 1983), Missouri (since 1984) and Washington (since 1990). She has practiced law for over 30 years. She has practiced in numerous counties in Illinois, Missouri and Washington state. Ms. Bianco has served as an attorney representing individuals in a variety of matters including family law, probate, and employment law. In addition, she has served as a guardian ad litem, and also as a Family Law Commissioner Pro Tempore for King County. Together with Carol Hepburn, Ms. Bianco represents the Plaintiffs known as Henley, Maureen, and Pia. She has represented Henley since 2019, Maureen since 2017 and Pia since 2016. In addition, Carol Hepburn and Deborah Bianco co-represent twelve other individuals who are victims of child pornography crimes, and Ms. Hepburn represents other victims for whom Ms. Bianco is not co-counsel, as well. Ms. Bianco's normal hourly fee for these types of cases is \$450.

d. Gianna N. Elliot is an associate attorney with The Marsh Law Firm. Ms. Elliot has practiced law since 2020 and is licensed in the state of New York, where she is in good standing. Ms. Elliot began her practice in 2020 as an assistant district attorney for Suffolk County in Suffolk County, New York. At that time, among other matters, she prosecuted misdemeanor sexual offenses under Penal Law section 130. In January 2023, Ms. Elliot began working for the Marsh Law Firm where her practice has

focused on representing survivors of child sex abuse, including child pornography survivors who seek compensation and other relief in both criminal and civil proceedings from their perpetrators. Ms. Elliot's normal hourly fee for these types of cases is \$325.

- e. Marissa Munza is paralegal with The Marsh Law Firm PLLC. Ms. Munza has worked for The Marsh Law Firm for approximately two and a half years, assisting attorneys in child sex abuse cases, including §2255 child pornography cases. Ms. Munza's normal hourly fee for these types of cases is \$150.
- f. Cassandra M. Sorrentino is paralegal with The Marsh Law Firm PLLC. Ms. Sorrentino has worked for The Marsh Law Firm for a year, assisting attorneys in child sex abuse cases, including §2255 child pornography cases. Ms. Sorrentino's normal hourly fee for these types of cases is \$150.
- g. Alexandra Gastelum, J.D., is a law clerk with The Marsh Law Firm. She graduated from City University of New York Law School in Spring 2023 and recently passed the New York Bar Exam. She assists in securing criminal restitution for victims of child pornography crimes and regularly drafts pleadings for similarly follow-on civil cases brought pursuant to section 2255. Ms. Gastelum's normal hourly fee for these types of cases is \$150.
- h. Michelle D. Sparks is a paralegal with the Carol L. Hepburn, P.S. Attorneys at Law. Ms. Sparks has worked for Carol Hepburn for many years assisting her in child sex abuse cases, including §2255 child pornography cases. Ms. Spark's normal hourly fee for these types of cases is \$200.

20. Along with Attorney Carol L. Hepburn and Deborah A. Bianco, I, as an attorney of the Marsh Law Firm, am one of the very few attorneys in the nation regularly representing survivors of child sex abuse image crimes in civil matters brought under 18 U.S.C. § 2255. The issues presented in this instant case are fairly unique in that few civil cases brought by victims of the crimes of child sex abuse material exploitation have been brought across the nation.

21. In addition to representing these victims in civil matters related to their widely distributed and shared child sex abuse material, the lawyers are also heavily involved in obtaining restitution for the victims in a defendant's criminal proceedings. Attached as **Exhibit B** is a true and correct copy of the Criminal Restitution Order in Defendant Thomas Blaha's criminal case, Case No. 2:20-cr-00220-JMA-ST.

22. The normal hourly rates listed above take into consideration the lawyers' and paraprofessionals' expertise and special skill in representing victims of child pornography and that the lawyers are one of the few in the country who work on and specialize in these types of cases. Even where the hourly rates in a District were arguably less than the attorney's hourly rates established herein, the Courts have ordered the attorneys' fees requested without modification to the hourly rates. *See e.g., Doe et al v. Jasperse*, Case No. 1:22-cv-21466-JLK (the Court found the normal hourly rates ranging from \$450 to \$750 for attorneys Mabie, Hepburn and Bianco to be reasonable and awarded Plaintiffs' attorneys' fees in the amount requested, amounting to \$53,744). A true and correct copy of the Order granting Plaintiffs' Motion for Attorneys' Fees and Costs in *Doe et al v. Jasperse*, Case No. 1:22-cv-21466-JLK, is attached hereto as **Exhibit C**.

### **Lodestar**

23. The value of this time expended without any lodestar enhancement is \$24, 305. No upward adjustment from this lodestar is requested.



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**Costs**

24. Costs expended on this litigation, as shown in the accompanying spread sheet, which is attached hereto as **Exhibit D**, are as follows:

- a. ROK Investigative Group Inc. = \$3,060;
- b. Margaret E. Mabie's Southern District of New York Certificate of Good Standing Request = \$20;
- c. Margaret E. Mabie's Southern District of New York Certificate of Good Standing Request # 2 = \$20;
- d. Margaret E. Mabie's Eastern District of New York Attorney Admissions fee = \$208;
- e. Filing fee = \$402;
- f. Process Server fee = \$315;
- g. PACER fees = \$5.70.

**CONCLUSION**

25. I respectfully ask the Court to issue a default judgment for the sum certain of \$1,050,000 plus the requested attorneys' fees and costs.

DATED this 19th day of February 2024, at New York, New York.

**MARSH LAW FIRM PLLC**

/s/ Margaret E. Mabie  
Margaret E. Mabie  
James R. Marsh

31 Hudson Yards, 11th Floor  
New York NY 10001  
Telephone: (929) 232-3235  
Email: [margaretmabie@marsh.law](mailto:margaretmabie@marsh.law)